

BILL NO. Z-85-06-34

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. N-15.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION I. That the area described as follows is hereby
designated a B-1-B (Limited Business) District under the terms of Chapter
33 of the Code of the City of Fort Wayne, Indiana of 1974:

The South 76½ feet of Lot #4, in
Edgewood Addition

and the symbols of the City of Fort Wayne Zoning Map No. N-15, as
established by Section 11 of Chapter 33 of the Code of the City of Fort
Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and
effect from and after its passage and approval by the Mayor.


COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:


BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by P. add,
seconded by Talarico, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the Cit
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayr
Indiana, on _____, the _____ day of
_____, 19_____, at _____ o'clock _____ .M., E.

DATE: 6-25-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by P. add,
seconded by Stier, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	<u>8</u>	_____	<u>1</u>	_____
<u>BRADBURY</u>	_____	_____	_____	<u>✓</u>	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	_____	<u>✓</u>	_____	_____	_____
<u>GiaQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>HENRY</u>	_____	<u>✓</u>	_____	_____	_____
<u>REDD</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: 7-9-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19_____,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the _____ day of _____, 19_____,
at the hour of _____ o'clock _____ .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19_____, at the hour of _____ o'clock _____ .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Elsie V. Brandenberger
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an B-1-B District the property described as follows:

576 1/2 ft of Lot 4, Edgewood Addition

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 4839 S. Lafayette St
Fort Wayne, Indiana 46806

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Elsie V. Brandenberger</u>	<u>4839 S. Lafayette St</u>	<u>Elsie V. Brandenberger</u>
_____	_____	_____
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>Elsie V. Brandenberger</u>	<u>4839 S. Lafayette St</u>	<u>744-2245</u>
_____	<u>Fort Wayne, Indiana</u>	_____
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

DIGEST SHEET

ORIGINAL

ORIGINAL

3-85-06-34

TITLE OF ORDINANCE _____ Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE _____ Land Use Management - CD&P

SYNOPSIS OF ORDINANCE _____ 4839 S. Lafayette Street

EFFECT OF PASSAGE _____ Property is now zoned R-1 - Single Family Residential.

_____ Property will become B-1-B - Limited Business.

EFFECT OF NON-PASSAGE _____ Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____

FACT SHEET

Z-85-06-34

**Division of Community
Development & Planning****BILL NUMBER****BRIEF TITLE****APPROVAL DEADLINE****REASON**

Zoning Ordinance Amendment

DETAILS

Specific Location and/or Address 4839 So. Lafayette Street
Reason for Project To allow for a small business office.
Discussion (Including relationship to other Council actions) <u>June 17, 1985 - Public Hearing</u> The realtor for the petitioners, Mr. & Mrs. Brandenberger, appeared before the Commission. The realtor stated that this home has been used as the Brandenberger residence as well as for their business office for their construction business. She stated that the changes that have taken place in and around this property since the Brandenbergers built the home in 1946 have warranted that they sell the property as a business. She stated that they would not be able to get the full value of the property is sold as a residence. David Kiester pointed out that So. Lafayette street is one of the gateways to the City and as such any further commercial encroachment would be considered a detriment. He stated that this property has over the years been maintained as an attractive residence and as such is an asset to the City.

POSITIONS**RECOMMENDATIONS**

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Elsie Brandenberger City Department Other
Opponents	Groups or Individuals Doris Allen, Lafayette Place Improvement Assn. Basis of Opposition -detriment to residential character of area -open way for future business requests
Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against -allow business encroachment in residential area -open way for similar requests
Board or Commission Recommendation	By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

Mrs. Doris Allen, Lafayette Place Improvement Association stated they were opposed to the request. She stated that the change of the zoning would lead to the breakdown of the R-1 zoning in this area on Lafayette Street. She stated that there is already a bottle-neck at the intersection of Pettit & Lafayette. She stated that on the southeast corner there is already an eyesore - an abandoned gas station. She stated that Southgate is across from this property and Southgate would welcome and have more than adequate space for any business that wants to settle in this area. She stated she could see no justification for the requested rezoning.

Carl Abele, area resident stated that he was opposed to the request because it would allow for further business encroachment into a residential area.

June 24, 1985 - Business Meeting

Motion was made and carried that this ordinance be returned to the Common Council with a DO NOT PASS recommendation.

Of the eight (8) members present seven (7) voted in favor of the denial one (1) did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start Date 24 April 1985

Projected Completion or Occupancy Date 26 June 1985

Fact Sheet Prepared by Date 26 June 1985

Patricia Biancaniello

Reviewed by Date 26 June 1985

Gary E. Baeten

Gary E. Baeten, Senior Planner

Reference or Case Number

PROPOSAL:

Elsie Brandenberger petitions for a rezoning from R-1 to B-1-B.

GENERAL LOCATION:

Location:	4839 S. Lafayette Street
Legal Description:	S 76½ feet of Lot #4, Edgewood Avenue
Existing Zoning:	R-1
Size of Property:	0.25 Acres +
Surrounding Land Use & Zoning:	North - R-1 - Residential South - M-1 - Commercial East B1B & R1 - Commercial & Res. West - R-1 - Residential
Applicable Regulations:	An R-1 designation is primarily single family residential.
Comprehensive Plan:	The general land use policies state that rezoning and development proposals should be compatible with existing land uses and should not establish an undesirable precedent in the area. The goal in the Middle Ring, where this request is located, is to maintain investments and prevent deterioration in existing neighborhoods. Mixed land use and high traffic arterials in this area are not conducive to residential uses.
Neighborhood Planning:	No Comment
Urban Design:	No Comment

SPECIAL INFORMATION:

Public Utilities:	Available
Physical Characteristics:	An existing residential structure exists on this lot.

PLANNING STAFF DISCUSSION:

Pettit Avenue serves as a natural break point separating residential and commercial uses. Southgate Shopping Center and numerous small businesses exist in the area to the immediate south.

PLANNING STAFF DISCUSSION - continued:

The property has an existing structure and has been developed residentially. B-1-B District permits a number of commercial and business uses, approval would encourage commercial encroachment and would adversely impact surrounding residential area. Additionally, approval would set a precedent for similar situations.

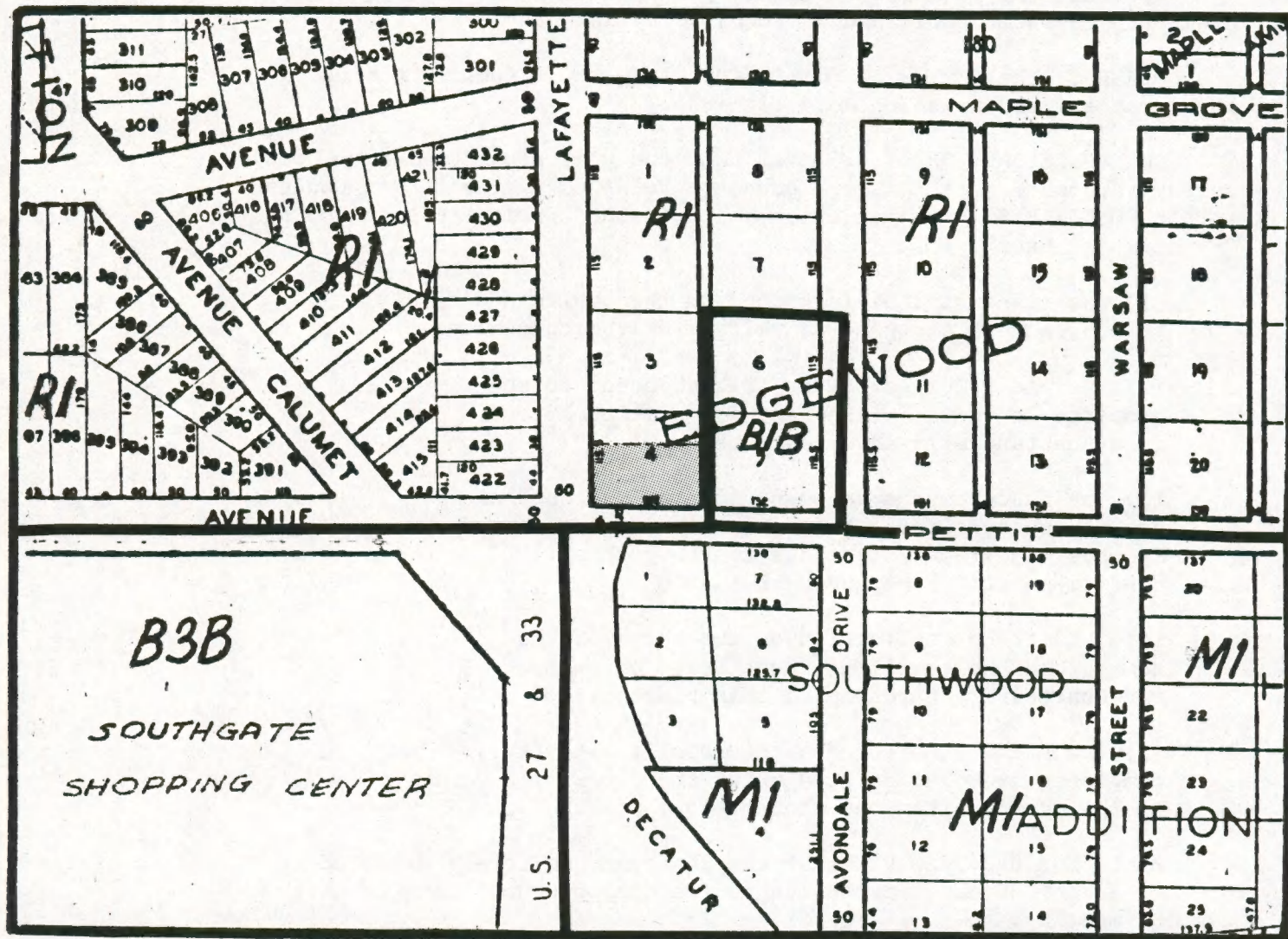
Planning staff feels that existing B-1-B is already a spot zone and enlarging that commercial zone would not be appropriate.

RECOMMENDATION:

Denial

- 1) An undue hardship does not exist as the property has been developed residential.
- 2) Approval would make it difficult to deny similar petitions.
- 3) Approval would encourage commercial encroachment into existing residential areas and would adversely impact surrounding residential development.

GENERAL LOCATION MAP FOR 4839 S. LAFAYETTE STREET

Zoning:

- RI RESIDENTIAL DISTRICT
 MI LIGHT INDUSTRY
 BIB LIMITED BUSINESS 'B'
 B3B GENERAL BUSINESS 'B'

Land Use:

BILL NO. Z-85-06-34

Scale: 1"=200'

Date: 5-21-85



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 25, 1985, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-06-34;

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 17, 1985;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

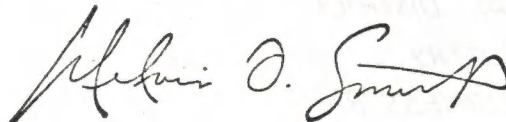
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held 24 June 1985.

Certified and signed this
26th day of June 1985.



Melvin O. Smith
Secretary

RECEIPT

No 11978

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 4-24 1985

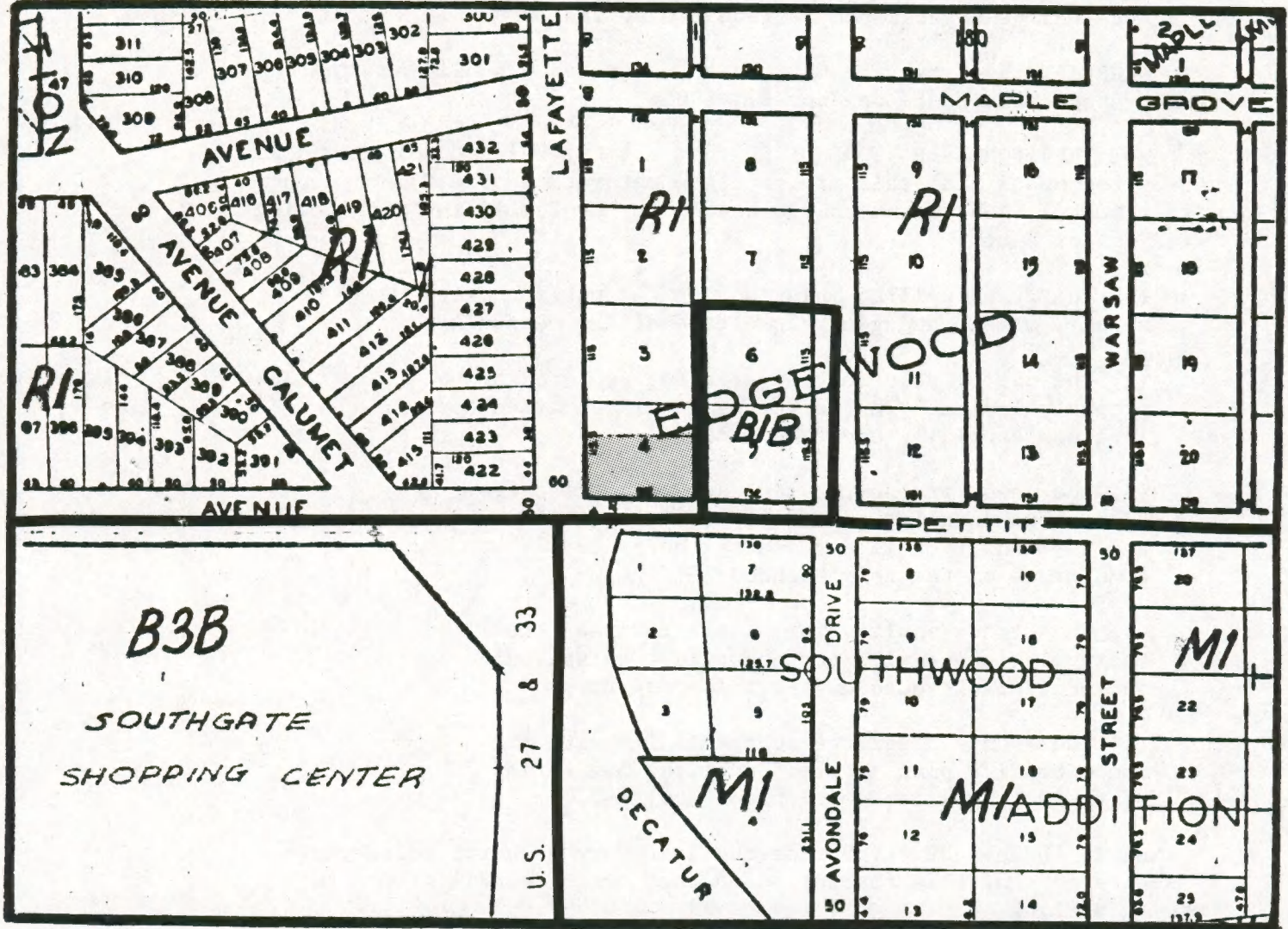
RECEIVED FROM D. J. Brandenburg \$ 50.00

THE SUM OF fifty & no/100 DOLLARS

ON ACCOUNT OF _____

rezone _____
AUTHORIZED SIGNATURE

GENERAL LOCATION MAP FOR 4839 S. LAFAYETTE STREET

Zoning:

- RI RESIDENTIAL DISTRICT
 MI LIGHT INDUSTRY
 BIB LIMITED BUSINESS 'B'
 B3B GENERAL BUSINESS 'B'

Land Use:

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

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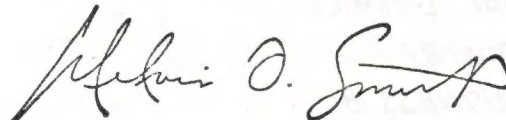
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26th day of June 1985.



Melvin O. Smith
Secretary

BILL NO. Z-85-06-34

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of
Fort Wayne Zoning Map No. N-15

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~) DO NOT PASS

YES

NO

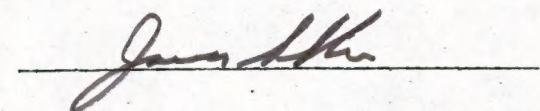


CHARLES B. REDD
CHAIRMAN



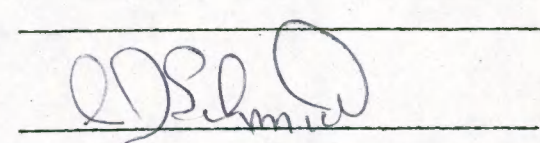
JANET G. BRADBURY
VICE CHAIRWOMAN

JAMES S. STIER



BEN A. EISBART

DONALD J. SCHMIDT



CONCURRED IN 7-9-85

SANDRA E. KENNEDY
CITY CLERK